

09/695,279
DOCKET NO. 00USFP543-M.K.

11

REMARKS

Claims 1-23 and 27-34 are all the claims presently pending in the application. Claims 24-26 have been canceled. Claims 1, 8, 14, and 19 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Entry of this §1.116 Amendment is proper. Since the Amendments above narrow the issues for appeal and since such features and their distinctions over the prior art of record were discussed earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and Applicant earnestly solicits entry. No new matter has been added.

Claims 1-6, 8-12, 14-17, 19-22, and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang, et al. (U.S. Patent No. 6,487,406) in view of Rasanen (U.S. Patent No. 6,445,924). Claims 7, 13, 18, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Rasanen, and further in view of Valentine, et al. (U.S. Patent No. 6,449,478). Claims 30-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Rasanen, and further in view of the admitted prior art.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary non-limiting, embodiment of the claimed invention as defined, for

09/695,279

12

DOCKET NO. 00USFP543-M.K.

example by claim 1, is directed to a mobile wireless communication system which includes an information server, a portable terminal, a plurality of wireless communication servers, a switch, and a wireless telephony server. The portable terminal communicates with the information server through a wireless communication line and has a buffer memory which stores information transmitted from the information server. A first of the plurality of wireless communication gateway servers is selected based upon the position of the portable terminal, has a buffer emulator which stores data regarding the buffer memory in the portable terminal, and transmits information from the information server to the portable terminal based upon the data in the buffer emulator. The switch sets the connection between the portable terminal and the first wireless communication gateway server and also sets a connection between the portable terminal and a second of the plurality of wireless communication gateway servers when the first wireless communication gateway server is congested. The wireless telephony server of the first exemplary embodiment informs the plurality of wireless communication gateway servers of the position of the portable terminal.

As mentioned in the previous Amendments, the remarks from which are incorporated herein in their entirety by reference, conventional systems have required the installation of a new access point into a portable terminal 20 in order to establish communication with the portable terminal 20 and an information server 26.

The present invention may reduce the amount of time required for a portable terminal to access an information server.

09/695,279
DOCKET NO. 00USFP543-M.K.

13

II. THE PRIOR ART REJECTIONS

A. The Chang et al. reference in view of the Rasanen reference

Regarding the rejection of claims 1-6, 8-12, 14-17, 19-22, and 27-29, the Examiner continues to allege that the Rasanen reference would have been combined with the Chang et al. reference to form the claimed invention.

Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the present invention including a wireless telephony server for informing the position of the portable terminal to the plurality of wireless communication gateway servers that include a buffer memory emulator.

The Chang et al. reference discloses an information server (host 36), a portable terminal (mobile station MS), a wireless communication gateway server (gateway server 32), and a switching apparatus (base station BS, base station controller BSC, and mobile switching center MSC). The Chang et al. reference further discloses a position register (the home location register HLR in the signaling system SS7, which also includes a visited location register VLR).

None of these structures correspond to the claimed wireless telephony server.

The Examiner continues to allege that the home location register HLR disclosed by the Chang et al. reference corresponds to the claimed wireless telephony server that informs the position of the portable terminal to the plurality of wireless communication gateway servers.

09/695,279

14

DOCKET NO. 00USFP543-M.K.

While the home location register HLR disclosed by the Chang et al. reference includes position information that is registered by the mobile switching center, as described by the present specification, the Chang et al. reference does not teach or suggest that the home location register informs the position of the portable terminal to the plurality of wireless communication gateway servers (i.e. the gateway router 32).

The Examiner further continues to allege that the Chang et al. reference discloses that these wireless communication gateway servers comprise “a buffer memory emulator (MS-BS table) which stores specification data representing a specification of the buffer memory.”

However, contrary to the Examiner’s allegations, the Chang et al. reference does not teach or suggest a buffer memory emulator. Indeed, the Chang et al. reference does not mention anything at all that is even remotely related to a buffer memory, let alone a buffer memory emulator.

The Examiner continues to appear to allege that the MS-BS table corresponds to the buffer memory emulator.

However, contrary to the Examiner’s continued allegations, the Chang et al. reference clearly explains that the “MS-BS association table . . . indicates to which BS each MS presently being serviced by the BSC is connected.” (Col. 6, lines 6-8).

Therefore, the MS-BS association table that is disclosed by the Chang et al. reference does not correspond to a buffer memory emulator, let alone a buffer memory emulator that stores specification data representing a specification of the buffer memory in the portable terminal.

Further, the Examiner continues to allege that the base station controllers (BSCs) correspond to a wireless communication gateway server.

09/695,279
DOCKET NO. 00USFP543-M.K.

15

However, as explained before, the base station controllers form a part of a switching apparatus and do not correspond to a wireless communication gateway server.

The specification of the present application explains that a wireless communication gateway server performs protocol conversion between a communication protocol on a wireless communication line and a standard protocol on a network (page 2, lines 19-23).

The Chang et al. reference discloses a "gateway router 32 [that] provides connectivity to a data network 34, such as the Internet, for accessing a remote data host 36." (Col. 4, lines 15-18). In order to provide this "connectivity" the gateway router must perform protocol conversion between a wireless communication protocol and the network protocol. Therefore, the gateway router 32 of the Chang et al. reference appears to correspond to a wireless communication gateway server, not the base station controller as alleged by the Examiner.

As explained above, the claims require that the wireless communication gateway servers comprise a buffer memory emulator. Clearly, the base station controllers BSCs which the Examiner alleges correspond to wireless communication gateway servers do not include a buffer memory emulator.

Further, while the Chang et al. reference does not disclose that the gateway router 32 includes a buffer memory emulator, the Chang et al. reference clearly does not disclose any communication at all between the gateway router 32 and the home location register 32.

In summary, the Chang et al. reference clearly does not teach or suggest a wireless telephony server for informing the position of the portable terminal to a wireless communication gateway server that includes a buffer memory emulator.

The Rasanen reference does not remedy the deficiencies of the Chang et al. reference.

09/695,279
DOCKET NO. 00USFP543-M.K.

16

Indeed, the Rasanen reference does not even teach or suggest a wireless communication gateway server. As explained above, a wireless communication gateway server converts a protocol between the portable terminal and an information server on a network

Rather, the Rasanen reference discloses addressing the problems of implementing handoffs between base station cells when it is necessary to reduce the congestion of any base station cell (col. 3, line 56 - col. 4, line 10).

The Examiner again appears to confuse a base station (BTS) as shown in Fig. 1 of the Rasanen reference with the wireless communication gateway servers used by the present invention.

As explained by the present specification, the base station is used to establish radio communication in the system of the present invention. For example, the base station (i.e. radio antenna) has a known location and the position of the portable terminal may be reported by the base station to the switch for storage in the position information database (page 4, lines 2-13).

The Rasanen reference explains that a base station may become congested. However, this congestion is very different from the type of congestion that may be experienced by a wireless communication gateway server. For example, the congestion experienced at a base station is a result of the radio frequency allocation at the base station.

In stark contrast, as explained above, the wireless communication gateway server operates on a network and converts protocols between the portable device and the information server. The wireless communication gateway server may experience congestion as a result of the bandwidth at an access point not being sufficient to handle the amount of

09/695,279

17

DOCKET NO. 00USFP543-M.K.

data transfers being requested through the access point.

Clearly, as explained by the present specification, a base station is not a wireless communication gateway server.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1-6, 8-12, 14-17, 19-22, and 27-29.

B. The Chang et al. reference in view of the Rasanen reference and in further view of the Valentine et al. reference.

Regarding the rejection of claims 7, 13, 18, and 23, the Examiner continues to allege that the Rasanen reference would have been combined with the Chang et al. reference and further alleges that the Valentine et al. reference would have been combined with the Chang et al. reference and the Rasanen reference to form the claimed invention. Applicant submits, however, that even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained previously, neither of the Chang et al. reference and the Rasanen reference teaches or suggests the features of the claimed invention including a wireless telephony server for informing the position of the portable terminal to a wireless communication gateway server that includes a buffer memory emulator.

The Valentine et al. reference does not remedy the deficiencies of the Chang et al. reference and the Rasanen reference.

09/695,279
DOCKET NO. 00USFP543-M.K.

18

Indeed, the Examiner does not allege that the Valentine et al. reference discloses a wireless telephony server for informing the position of the portable terminal to a wireless communication gateway server that includes a buffer memory emulator.

The Valentine et al. reference does not teach or suggest a wireless telephony server, let alone a wireless telephony server that informs a plurality of wireless communication gateway servers of the position of the portable terminal.

Rather, in the same manner as described in the background and shown in Fig. 1 of the present specification, Figs. 1 and 2 of the Valentine et al. reference discloses a base station (base station system 25, base station controller 23 and satellite adapted base station system 220), a switching apparatus 22 (mobile switching center 14), and a position information database 23 (home location register 26).

Additionally, contrary to the Examiner's allegation, the Valentine et al. reference does not teach or suggest a satellite network connected to wireless communication gateway servers, a switching apparatus, or a wireless telephony server.

Rather, the Valentine et al. reference merely discloses a mobile station 20 and a base station system 220 connected to a satellite network.

Clearly, these novel features are not taught or suggested by the Valentine et al. reference. Indeed, the Valentine et al. reference is completely unrelated to the claimed invention.

The "Response to Arguments" section of the March 21, 2005, Office Action does not address this traversal.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 7, 13, 18, and 23.

09/695,279

19

DOCKET NO. 00USFP543-M.K.

C. The Chang et al. reference in view of the Rasanen reference and in further view of the Applicant's Admitted Prior Art

Regarding claims 30-34, the Examiner alleges that the Rasanen reference would have been combined with the Chang et al. reference and further alleges that Applicant's Admitted Prior Art would have been combined with a combination of the Rasanen reference and the Chang et al. reference to form the claimed invention.

Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, one ordinary skill in the art would not have been motivated to combine the Chang et al. reference and the Rasanen reference.

Further, as explained above, none of the applied references teaches or suggests the features of the present invention including a wireless telephony server for informing the position of the portable terminal to the plurality of wireless communication gateway servers that include a buffer memory emulator as recited by independent claim 1, from which claims 30-34 depend.

Applicant's Admitted Prior Art does not remedy the deficiencies of the Chang et al. reference and the Rasanen reference.

Indeed, the Examiner does not allege that the Applicant's Admitted Prior Art remedies these deficiencies.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 30-34.

09/695,279
DOCKET NO. 00USFP543-M.K.

20

III. FORMAL MATTERS AND CONCLUSION

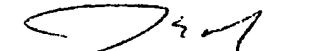
In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-23 and 27-34, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:


5/25/05

James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner, Group Art Unit 2681 at fax number (703) 872-9306 this 25th day of May, 2005.



James E. Howard
Registration No. 39,715

09/695,279
DOCKET NO. 00USFP543-M.K.

20

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-23 and 27-34, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:


5/26/05

James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that I am filing this Amendment Under 37 CFR §1.116 by facsimile with the United States Patent and Trademark Office to Examiner, Group Art Unit 2681 at fax number (703) 872-9306 this 26th day of May, 2005.



James E. Howard
Registration No. 39,715